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NEWS RELEASE

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Comment Wanted on Proposal to Amend Hawai'i Rules of Penal Procedure

The Supreme Court of Hawai'i seeks public comment about the Penal Rules Committee's proposal to amend Rule 32(d) of the Hawai'i Rules of Penal Procedure. The amended rule will require, in effect, that post-judgment motions to withdraw pleas of guilty or *nolo contendere* be made by HRPP 40 petition.

The proposed amendment to Rule 32(d) is as follows (deleted material is bracketed and new material is underlined):

RULE 32. SENTENCE AND JUDGMENT

(d) Withdrawal of Plea of Guilty. A motion to withdraw a plea of guilty or of nolo contendere may be made only before sentence is imposed or imposition of sentence is suspended[;]. At any later time, a defendant seeking to withdraw the plea of guilty or nolo contendere shall do so by petition as provided for under Rule 40 of these rules. [but] However, to correct manifest injustice the court after sentence shall set aside the judgment of conviction and permit the defendant to withdraw the [his] plea.

Comments about the proposal to amend HRPP Rule 32(d) should be submitted in writing no later than February 24, 2003 to the Judiciary Public Affairs Office, 417 South King Street, Honolulu, Hawai'i 96813.

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